

INSTRUCTIONS TO G. W. ERVING, MINISTER TO SPAIN.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*Copy of all the instructions to George W. Erving, Minister to Spain, in
1814.*

JANUARY 10, 1845.

Read, and laid upon the table.

To the House of Representatives :

I herewith transmit to the House of Representatives, in reply to their resolution of the 14th of June last, a report from the Secretary of State, with accompanying papers.

JOHN TYLER.

WASHINGTON, January 9, 1845.

DEPARTMENT OF STATE,
Washington, January 9, 1845.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 14th of June last, requesting the President to "cause to be communicated to that House a copy of all the instructions to George W. Erving, upon his appointment as minister plenipotentiary to Spain, in the year 1814, and afterwards, during his mission to that court, which have not been heretofore made public," has the honor to report to the President, in answer to that resolution, the accompanying papers.

Respectfully submitted :

J. C. CALHOUN.

TO THE PRESIDENT OF THE UNITED STATES.

LIST OF ACCOMPANYING PAPERS.

Mr. Monroe to Mr. Erving, October 6, 1814.
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 Mr. Monroe to Mr. Erving, July 20, 1816.
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 Mr. Rush to Mr. Erving, April 25, 1817.
 Mr. Rush to Mr. Erving, July 24, 1817.
 Mr. Rush to Mr. Erving, August 16, 1817.
 Mr. Adams to Mr. Erving, October 16, 1817. (No. 1.)
 Mr. Adams to Mr. Erving, February 1, 1818. (No. 2.)
 Mr. Adams to Mr. Erving, April 25, 1818. (No. 4.)
 Mr. Adams to Mr. Erving, May 2, 1818. (No. 5.)
 Mr. Adams to Mr. Erving, November 28, 1818. (No. 8.)

Mr. Monroe to Mr. Erving.

DEPARTMENT OF STATE,
October 6, 1814.

MR. ERVING: It having been understood, during the recess of the Senate, that the government of Spain was re-established, and that Ferdinand was seated on the throne with the consent of the nation, the President, ever anxious to promote a good understanding between the two countries, immediately decided on sending a minister to Spain. He made choice of you; and early in August last, I had the honor to forward your commission and letters of credence. They went by a despatch-vessel to France, under cover to Mr. Crawford, who was requested to take the necessary steps for putting you in possession of them as soon as possible. A cipher was also sent, both by the former and present conveyance; but, until I learn that you have received it, I cannot avail myself of it in writing to you; the instructions in this letter can therefore only be general.

I have now the pleasure to inform you that your appointment has been confirmed by the Senate; and that a new commission has been forwarded on to Boston, to go by the vessel which will take this letter.

If my former communication has not miscarried, you will, I presume, be in Madrid when this reaches you; should it, however, be otherwise, the President requests that you will immediately proceed to that place, and present your letters of credence, if the state of affairs there, at the time of your arrival, be such as, in your opinion, to justify it. Knowing, as you do, the grounds upon which this government has hitherto forbore to make itself a party to the disputes respecting the Spanish monarchy, you will be at no loss to place that subject in a proper point of view. There is the less reason to apprehend that there will be any difficulty respecting it, as it appears that the King has himself declared that the Cortes and the Regency were not legally invested with authority. Should you find that the misrepresentations of

the conduct of this government, through Mr. Onís and others, have made any unfavorable impression on the Spanish ministers, you will take proper occasions to correct misstatements of facts, and generally to explain the principles upon which we acted, and the dispositions we have maintained. In doing this, you will be much assisted by the information you will receive from Mr. Morris, who is now in Spain, and who has been there for some time, as the informal organ of communication between the two governments. I enclose a letter to him, and a copy of it, from which you will see that he is requested to meet you at Madrid, for the purpose of delivering to you his papers, and of communicating fully with you on the business heretofore intrusted to him. It will be proper also to bring into view the subjects of former difference between the two countries, in the manner best calculated to lead to an amicable adjustment of them.

It is not thought necessary, at present, to send you any distinct and definite powers for this purpose; but you are authorized, whenever you find that it can be done to advantage, to enter into the discussion of the several questions in dispute. In doing this, the instructions to Mr. Monroe and Mr. Pinckney will be your guide. Should you not be able to make an arrangement conformably to those instructions, you will at least, it is presumed, make the discussion subservient as well to the removal of prejudices, as to ascertaining what are the views and objects of the Spanish government; a knowledge of which cannot fail to be useful here.

Recent information from Spain leads to a belief that the connexion between that country and Great Britain is becoming more intimate than it has been. It will therefore be proper for you to take an early occasion to explain to the Spanish government the causes of the war between the United States and Great Britain, and to point out how much it is the interest of Spain, as well as all the maritime nations on the continent of Europe, that we should not be forced to yield up our rights involved in the contest.

This view of the subject will, it is hoped, induce the Spanish government to send immediate orders to her officers in America to observe the strictest neutrality, if it has not an effect more favorable to us. It is particularly desirable that express orders should be given to prevent the landing of British troops in Florida. Some have already gone there, and it is understood that they are making every use of the country which they could do if it was their own. This cannot be considered in any other light than a violation of the neutrality of Spain.

You will take the first favorable opportunity of intimating that Mr. Onís has made himself personally objectionable, as well in the way above alluded to, as otherwise; and that another person would be more acceptable to the President as the representative of Spain in the United States. Should you find, however, that it is particularly desired that he should remain here, you will let it be understood that the objections will be waived as an act of courtesy to his government.

It is the sincere desire of the President to adjust all our differences with Spain upon terms mutually beneficial, and to establish the most friendly relations between the two countries. You will take care, however, lest his motives should be misunderstood, to make the communications authorized by this letter in such manner as to avoid anything which might induce the Spanish government to suppose that any concession was intended.

I have the honor to be, etc.,

JAMES MONROE.

Mr. Monroe to Mr. Erving.

DEPARTMENT OF STATE, *March 21, 1816.*

SIR: I have the honor to transmit to you, herewith, copies of two letters from Commodore Rodgers to this department, and of a letter from Mr. Henry R. Warner to him, stating the circumstances which attended the seizure and detention in Port du Passage, in the year 1812, of the "Falcon," a prize to the United States ship "President," then under the command of Commodore Rodgers. From these papers it appears that the vessel, and such part of her cargo as was on board, were seized under the authority and for the use of the Spanish government, and that their officers and crew were otherwise maltreated. Under these circumstances, it is deemed proper that you should bring the case before the Spanish government for indemnity. It is a case in which the neutrality of Spain was violated by her own officers, and in which the United States cannot fail to take much interest, as well from the character of the outrage as of the sufferers, who were in the immediate service of this government.

I have the honor to be, &c.,

JAMES MONROE.

GEORGE W. ERVING, Esq.

Same to same.

DEPARTMENT OF STATE, *March 25, 1816.*

SIR: My object in this letter is to call your attention to the situation of such of our citizens as are confined in various parts of the dominions of Spain, on the alleged violation of their municipal regulations. I am aware of the jealousy of the Spaniards on this point; but, independently of every other consideration, the sufferings of the persons whose cases are detailed in the documents forwarded to you on the 21st instant, will, it is presumed, be considered as a sufficient motive for their release: for which you will endeavor to procure the necessary orders as soon as practicable.

I have the honor to be, &c.,

JAMES MONROE.

GEORGE W. ERVING, Esq.

Same to same.

DEPARTMENT OF STATE, *May 30, 1816.*

SIR: On the presumption that the Spanish government may be disposed to provide, by special convention, for the adjustment of the boundaries between their territories and those of the United States, and of all questions connected therewith, and also for the settlement of the claims which the citizens or subjects of either nation may have against the other, this letter is given to you, by direction of the President, as an authority and instruction to negotiate a convention for those purposes, with such person or persons as may have a like authority from his Catholic Majesty.

I have the honor to be, &c.,

JAMES MONROE.

GEORGE W. ERVING, Esq., &c.

Mr. Monroe to Mr. Erving.

[Extract.]

DEPARTMENT OF STATE, *May 30, 1816.*

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It was proposed to the Spanish government, in 1805, to settle these differences on the following conditions:

That Spain should cede her claims to territory eastward of the Mississippi, and arbitrate her own spoliations conformably to the convention of August 11, 1802.

That the United States should cede their claim to territory westward of a line to be drawn from the mouth of the Colorado to its source, and thence to the northern limits of Louisiana, in such manner as to head the different rivers and their branches which empty into the Mississippi.

That they would establish a territory, if Spain desired it, of thirty leagues on each side this line, or of thirty leagues on our side only, which should remain unsettled.

That the United States should relinquish their claim to French spoliations, and likewise to compensation for the suppression of the deposite at New Orleans.

The documents referred to, show that Spain rejected these liberal conditions at the time they were offered; and that, without making any satisfactory reparation for the wrongs then complained of, she has added others since, of a very serious nature. The President has nevertheless decided to make another effort to settle these differences, and to give likewise a signal proof, by the manner, of the amicable policy of the United States towards Spain. On the cession by the Spanish government, of all claims to territory eastward of the Mississippi, he is willing, should it be indispensably necessary, to establish the Sabine from its mouth to its source, as the boundary, in that extent, between the United States and the Spanish provinces—leaving the residue of their boundaries to be settled by commissaries to be hereafter appointed by both governments. He is likewise willing to relinquish the claim to indemnity for the suppression of the deposite at New Orleans, and for spoliations of every kind for which Spain is responsible; relying, in case such an arrangement be made, on the vacant or ungranted lands in East Florida, or on so much thereof as will be necessary, as an indemnity for spoliations.

Should a treaty be formed on these conditions, it will be proper that the amount to be paid in satisfaction of these spoliations should be ascertained by a strict examination of each claim, in such manner as the Congress of the United States may prescribe. You will be careful to form the article relating to this object, so as that no claimant shall be entitled to receive more than may appear to be justly due him on such examination—to be paid in money, to be raised by the sale of the lands when sold by the United States, provided there be raised a sufficient fund to satisfy every claim; and in case there is not, that the amount for which the lands may thus be sold shall be divided between the several claimants, in proportion to the amount of their respective claims. That this fund may be made as productive as possible, it will be proper to provide that no Spanish grants for land in East Florida shall be valid subsequent to a certain period, to be fixed in the treaty, and that other guards be provided against fraudulent

and extravagant claims. The period of former negotiations occurs as proper for such a restraint—the 11th of August, 1802, or of 1st January, 1805. The very liberal arrangement of the western boundary, which the United States would accede to in adopting the Sabine, makes it the more just and necessary that strict attention should be paid to the provision and guards suggested, and will, it is hoped, furnish a sufficient inducement to the Spanish government to agree to any, of a reasonable and proper kind, which may be proposed. Spain would have in the lands west of the Sabine, to which the United States would relinquish their claim, ample means of indemnifying any persons who might suffer by the proposed restraint on grants in East Florida.

Beyond the conditions above stated, you will not go. They are to be your ultima. I need not remark that it will be your duty to obtain as much better as you may be able,—rather seeking, however, an indemnity for spoliations and other wrongs, in money, from Spain, (to be paid directly by her, than in an extension of the western boundary beyond the Sabine; though that is to be obtained, if practicable. In leaving the boundary from the source of the Sabine, west and north, to be settled by commissaries, any adjustment there will be avoided which might affect our claims on Columbia river and on the Pacific. Mr. Cevallos, in a letter of May 15, 1805, proposed to settle the boundary, from the Red river to the west and north, by commissaries; so that it is probable you will have no difficulty on that point.

You will be careful to enter into no stipulation which may, by any construction, affect the controversy now existing between Spain and her colonies in America, to the disadvantage of the latter. While peace is preserved with Spain, it will be the duty of the United States to take no part in that contest, but to act with impartiality towards both the parties to it. This policy has been observed heretofore, and the motive for it will be increased if our differences with Spain are settled.

Should the Spanish government be unwilling to form a treaty on such conditions as you are authorized to adopt, you will terminate the negotiation in an amicable manner, so as not to compromit the United States to any change of attitude with Spain, and will transmit to this government any propositions which the Spanish government may have made. Should no treaty be formed, you will apprise the Spanish government that the United States will not be bound by the conditions you may offer in any future negotiation.

I send you a copy of a letter from Mr. Dick, the United States attorney for the district of Louisiana, which shows, in a very satisfactory manner, the errors committed by the Chevalier de Onis, in his communications to this department of the 30th December and 2d January, in alleging that preparations were made in several parts of our western and southern country, and that troops were assembled, for the invasion of the Spanish provinces. These misrepresentations have been too long continued. There is no example of any country who had received such insults and injuries from another as the United States have received from Spain, to whom so fair an opportunity was offered to vindicate its rights and indemnify its citizens for their losses, as Spain has presented for more than ten years past, that did not take advantage of it. The Spanish government doubtless must know how great the difference would have been between a hostile policy in the United States and that which they have pursued. The

President flatters himself, therefore, that the Spanish government, entertaining now correct sentiments and views on the subject, will terminate every difference between the two countries, on the liberal conditions which you are authorized to propose.

Mr. Onis informed me in a letter of 15th March, that his government had decided to deliver up the Algerine brig to the Dey and Regency of Algiers. It was satisfactory to the President to receive this information; for, although Commodore Decatur had fulfilled his engagement to the Dey, by putting his officers in possession of the brig, it was apprehended, from the capricious temper of those people, that if the Spanish government should refuse to liberate her, it might be made a cause of complaint, and even of some claim by the Dey on the United States. Information, however, has recently been received from Spain, that the decision of the Spanish government, thus announced by Mr. de Onis, has not been carried into effect; and that a negotiation has been opened by it, or a proposition made to the Dey, to exchange the Algerines belonging to that brig for some Spanish subjects, his prisoners. Such a proposition, should it have been made, is not only incompatible with the assurances given by the minister of Spain to this department, but with the idea entertained by the President of the claim which the United States have justly on his government respecting that brig. The encroachment on the Spanish jurisdiction, if actually made as is alleged, was an accidental circumstance, the like of which often occurs in war, and which, in itself, is never considered an offence to the neutral party. The Spanish government could have no interest in it, other than that it should not become a cause of complaint against Spain with the opposite belligerent, (which was rendered impossible by the peace and agreement between the parties,) that the brig should be restored to the Regency of Algiers. No demand was made of the brig by the American commander or his government, but with a view to its restoration to the government of Algiers. She remained in the hands of the Spanish government, to satisfy the claim of that of Algiers; and the Spanish minister here was assured voluntarily, and before his note was received, that the encroachment on the jurisdiction of Spain, if made, was regretted. In form, therefore, as well as in substance, every reparation was made to Spain for the incident, that could have been demanded. To improve it to the advantage of Spain, in any occurrence with the government of Algiers, cannot be seen by this government without surprise. To manage it in a manner to excite any claim of Algiers on this government, however unfounded, especially should it lead to any disagreement with the Algerine government, will give just cause for serious complaint. The President desires, therefore, should this affair not have been accommodated in a satisfactory manner, that you will make known to the Spanish government his sentiments on the subject, and use your best endeavors to have it terminated in conformity with his views as above expressed.

This letter will be committed to Mr. Smith, according to your request, with an instruction to hasten with it to Madrid, where you, probably, will be on his arrival in Europe. Of the disposition in which you may find the Spanish government, and of your progress in the negotiation, as well as of the final result, you will inform this department by regular and frequent despatches.

I have the honor to be, &c.

JAMES MONROE.

TO GEORGE W. ERVING, Esq.

Mr. Monroe to Mr. Erving.

DEPARTMENT OF STATE,
May 31, 1816.

SIR: There are claims on Spain, of recent date, of a different nature from those stated in your instructions of yesterday. On one of these, in which Com. Rodgers is interested, you are already instructed by my letter of the 21st of March, and to which your attention is particularly requested. Two others (the Baltimore, and the William and Mary) turn on the violation of Spanish jurisdiction, by British ships of war, in the late war between the United States and Great Britain. For these, Spain is unquestionably answerable; and it is expected that you will obtain an indemnity. Application has been made to the British government on the subject; but as Spain, and not Great Britain, is responsible to the United States, you will act on that principle, taking care to advise Mr. Adams of the steps you take, and the consequences. All other claims which have occurred since the negotiation in 1805, particularly alluded to in the letter of yesterday, you will likewise endeavor to provide for in a satisfactory manner.

The conduct of Gen. Morillo towards some of our citizens at Carthagena is not unknown to you. The confinement by him of many, as we are assured, who happened to be there for commercial purposes, and his rigorous treatment of others, have appeared to be highly improper. To express the sensibility of this government to his conduct, request the discharge, and bring home all our citizens whose discharge can be obtained, the President sent Mr. Hughes in the Macedonian, about six weeks since, to Carthagena. You will receive, herewith, a copy of Mr. Hughes's instructions, and of my correspondence with the Chevalier de Onis on this subject.

I have the honor to be, &c.,

JAMES MONROE.

GEO. W. ERVING, Esq.

Enclosures in Secretary's letters of 30th and 31st May, to Mr. Erving.

Letter of instructions to adjust boundaries, settle claims, &c., dated May 30.

Copy of letter of John Dick, United States attorney for the district of Louisiana, to the Secretary of State, on the subject of Chevalier de Onis's correspondence with the Secretary.

The Secretary of State to the Chevalier de Onis, February 21, 1816, informing him of the intention of the President to despatch a vessel of war to Carthagena.

The Chevalier de Onis, of February 26, in reply to the above.

The Secretary of State to the Chevalier de Onis, March 13, 1816, informing him of the mission of Mr. C. Hughes to Carthagena, and requesting a letter for him to the commandant there.

The Chevalier de Onis to the Secretary of State, March 22, 1816, informing that he has delivered to Mr. Hughes an introductory letter for Carthagena.

The Secretary of State to the governor or commanding officers of the Spanish forces at Carthagena, dated March 25, 1816.

Instructions to Mr. Hughes, dated March 25, 1816.

The Chevalier de Onis to the Secretary of State, March 2, 1816, announcing the continuance of the blockade of the Spanish coast.

The Secretary of State to the Chevalier de Onis, March 20, 1816, in answer to the above.

The Chevalier de Onis to the Secretary of State, March 25, 1816, in continuance of the same subject.

Mr. Monroe to Mr. Erving.

[Extract.]

DEPARTMENT OF STATE, *July 20, 1816.*

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In my letter of May 30, which was forwarded to you by Mr. Smith, I communicated the information which had then been received, of the detention of the Algerine brig in Spain; the claim to which, as Mr. Shaler presumed, it would give rise in the Algerine government, on the United States; and the strong desire of the President that the Spanish government might terminate that affair in a manner to deprive the Dey of all pretext for such a claim, even on his own construction of Commodore Decatur's engagement to him. It now appears, by a letter from Mr. Shaler of the 15th April, that the very evil it was so anxiously sought to avert has arisen. The Dey has stated that he had received the brig and her crew, as is implied, for an equivalent from Spain, and not from the United States; and he demands, in consequence, of the United States an indemnity equal, as is understood, to the value of the brig and the ransom of the crew.

It is not sufficient that this demand of the Dey has no foundation, even if the conduct of Spain had been as he represents it. You already know that Commodore Decatur fulfilled his pledge, in putting the brig in the possession of an Algerine officer at Carthage; and that the United States are not responsible for anything that occurred afterwards, although the brig had never been recovered by the Dey. It is mortifying to have to discuss this affair with him, and to make explanations which the Spanish government might have so easily prevented, by permitting the brig to sail when delivered up to the Algerine officer by Commodore Decatur. Circumstanced as the affair is, it is important to ascertain, with minute accuracy, every fact that has occurred—particularly how long she was detained in Spain, and for what purpose; at what time she was delivered up, and in what manner; whether she was set at liberty, and permitted to return home, at the will of the Algerine officer, or was conveyed by a Spanish force to Algiers, and restored to the Dey by the Spanish officer commanding it, or the Spanish consul there, as an act of courtesy from the King of Spain to the Dey, or for an equivalent. I transmit to you a copy of a correspondence on this subject with the Chevalier de Onis, by whose statement it appears that the brig was set at liberty by his government, as an act of comity to the United States, without any equivalent from Algiers, and with a view to prevent any misunderstanding between the United States and the Dey. It has been suggested that the detention of the vessel for so long a time, by Spain, produced a reprisal by the Dey, in the case of some Spanish sailors who were wrecked on that coast, and that the restoration of the brig and her crew might be considered an exchange of the one for the other. This idea is distinctly precluded by the letter of Mr. de Onis, as in every other, incompatible with that assigned by him; except the probability, which

seems to be admitted by him, that the Spanish consul, when the brig arrived at Algiers, in announcing the event to the Dey, may have mingled in his communication respecting it, by way of form, some sentiment of amity or courtesy on the part of his sovereign towards the Dey. Though trifling in itself, and in no way affecting the merits of the case between the United States and Algiers, even on the Dey's principles, yet it is desirable to know, if the affair took this course, precisely what the consul did say on the occasion; and whether, if he said anything, he did it of his own accord, or by the order of his government. In repelling the unjust claims of the Dey, should they be persevered in, it will be proper, and may be useful, to be enabled to state the conduct of Spain in these minute details with the utmost precision.

I have the honor to transmit to you, by Mr. Rich, (to whom this is committed,) a copy of my correspondence with the Chevalier de Onis respecting the boundaries and other differences with his government, which had been treated in a former communication with him, the adjustment of which is intrusted to you. I send, also, a copy of a communication with him, respecting the seizure of a vessel at Valparaiso, on the ground that she had not been furnished with a new letter. A public ship, as you will observe, it is intimated to him, will be sent to that sea, with a special agent to make application to the government of Lima for the discharge of the vessel seized, and of any others which may have experienced the same fate for the same cause. * * * * *

A copy of Mr. Hughes's correspondence with the Viceroy of New Grenada is enclosed.

I have the honor to be, &c.,

JAMES MONROE.

GEORGE W. ERVING, Esq.

LIST OF PAPERS, ACCOMPANYING DESPATCH OF JULY 20, TO MR. ERVING,
DELIVERED TO MR. RICH, CONSUL AT VALENCIA.

No. 1.

Mr. C. Hughes's mission to Carthage.

Two letters from C. Hughes to the Viceroy of New Grenada, dated June 8, 1816.

Two letters from Montalvo, Viceroy of New Grenada, to C. Hughes, June 9, 1816.

The same (Viceroy of New Grenada) to the Secretary of State, June 9, 1816.

C. Hughes to the Viceroy of New Grenada, June 10, 1816.

The Viceroy of New Grenada to C. Hughes, June 11, 1816.

Two letters from C. Hughes to the Viceroy of New Grenada, June 11, 1816.

C. Hughes to the Governor of Santa Martha, June 11, 1816.

The Governor of Santa Martha to C. Hughes, June 15, 1816.

C. Hughes to the Secretary of State, July 6, 1816.

No. 2.

Affair of the Algerine brig.

The Secretary of State to the Chevalier de Onis, February 7, 1816.

Commodore Decatur to the Secretary of State, February 9, 1816.

The Secretary of State to Mr. Shaler, February 23, 1816.

The Chevalier de Onis to the Secretary of State, March 15, 1816.

The Secretary of State to the Chevalier de Onis, June 5, 1816.

The Chevalier de Onis to the Secretary of State, June 26, 1816.

The Secretary of State to the Chevalier de Onis, July 1, 1816.

The Chevalier de Onis to the Secretary of State, July 5, 1816.

No. 3.

Nantucket whalers.

The Secretary of State to the Chevalier de Onis, July 2, 1816.

Chevalier de Onis to the Secretary of State, July 10, 1816.

Secretary of State to the Chevalier de Onis, July 18, 1816.

The deposition of Mr. Thomas Perkins, as to the detention of the ship Charles, of Nantucket, South-sea whaler.

List of vessels which had gone to the Pacific ocean on whaling voyages.

No. 4.

General correspondence.

The Secretary of State to the Chevalier de Onis, June 10, 1816.

Chevalier de Onis to the Secretary of State, in reply, with a particular remonstrance, July 3, 1816.

The same to the same, February 22, 1816.

In additional despatch of July 20 to Mr. Erving.

The Secretary of State to the collector of the customs at Baltimore, relative to a complaint made by the Spanish minister, of the armament there of certain vessels to cruise against the commerce of Spain.

The same to the district attorney at New York, on the abovementioned subject.

Mr. Monroe to Mr. Erving.

JULY 20, 1816.

SIR: Mr. Onis having stated, in a letter of the 3d instant, that some vessels had been armed and fitted out from the port of Baltimore, for the purpose of cruising off Cadiz, under the flag of the government of Buenos Ayres, to make prize of Spanish vessels, an inquiry has been ordered to ascertain the truth of the allegation. All legal and proper measures will be taken to prevent such practices, and to punish any persons who may be engaged in them, should there be any.

It has likewise been suggested, that equipments of a similar kind have been made in other ports, to cruise off Cuba and the ports of some of the

Spanish provinces in South America, for like purposes. How far these communications are founded, it is as yet unknown; you may, however, assure the government of Spain that the neutrality of the United States, in the contest between Spain and the colonies, will be maintained with strict impartiality and energy, should attempts be made in any form or by any persons to violate it.

I send you a copy of a letter to the collector at Baltimore, founded on the complaint of the Chevalier Onis to which I have adverted.

I have the honor to be, &c.,

JAMES MONROE.

G. W. ERVING, Esq.

DEPARTMENT OF STATE,
September 13, 1816.

Circular to George W. Erving and others.

GENTLEMEN: In the absence of the Secretary of State, I have the honor, by his direction, to forward to you copies of the papers, of which a list is annexed, in relation to our affairs with Algiers.

With great respect, I have the honor to be, &c.,

JOHN GRAHAM.

Mr. Monroe to Mr. Erving.

NOVEMBER 23, 1816.

SIR: The documents, herewith sent, will explain a transaction in the gulf of Mexico of a very serious character. A vessel of war of the United States was attacked by a Spanish squadron, in a manner which calls for satisfactory reparation. It is presumed that it has not been the effect of orders from the Spanish government. Mr. Onis, as you will perceive by his note to the Department of State, gives positive assurance that no such orders can have been issued; it may be expected, therefore, that the Spanish government will promptly disavow the outrage, and make satisfactory reparation for the injury. This you will demand in terms which, while they comport with the respect entertained for his Catholic Majesty, will manifest full confidence that the reparation desired will not be delayed. You will lose no time in transmitting the result to this department.

I have the honor to be, &c.,

JAMES MONROE.

GEORGE W. ERVING, Esq.

Papers enclosed to Mr. Erving.

Midshipman Archibald S. Campbell to Lieutenant Commanding Thomas S. Cunningham, dated schooner Firebrand, at sea, September 4, 1816.

Report of Lieutenant T. S. Cunningham to Commodore D. T. Patterson.

Commodore Daniel T. Patterson to the Secretary of the Navy, dated New Orleans, September 14, 1816.

The Chevalier de Onis to the Secretary of State, dated October 17, 1816.

*Mr. Rush to Mr. Erving.*DEPARTMENT OF STATE,
April 25, 1817.

SIR: I have the honor, by direction of the President, to acknowledge the receipt of your despatches to this department, brought by Mr. Brent.

An attempt was forthwith made by this government to conclude, upon just principles, our differences with Spain, and much surprise felt that it should have proved abortive, from Mr. Onis not having been furnished with adequate instructions. The printed correspondence, herewith transmitted, will fully disclose to you the course which the discussion assumed, and render unnecessary any further explanation. Since its close, a succession of notes have been received from Mr. Onis, upon the subject of armed vessels alleged to have been fitted out in the ports of the United States, for the purpose of committing depredations upon the commerce of Spain. Copies of them all, up to the latest date, together with the answers of this government, are forwarded for your information; together with an entire copy of the correspondence that has recently taken place relative to the attack upon the Firebrand.

I have also the honor to send you the act of Congress which passed on the 3d of March, for preserving more effectually the neutral relations of the United States, with the message of the President which led to it. This act may be considered as having grown out of a desire to vindicate the authority of our own laws, as well as respect for the opinion of other nations. It ought to be taken, also, as a mark of friendly disposition towards Spain, while it breathes a just spirit to the other party in the controversy that is going on.

The foregoing documents will possess you so fully of the present posture of our affairs with Spain, more especially under the advantage of being taken out by Mr. Brent, that it will form the excuse for not enlarging upon them in this letter.

With the greatest respect, I have the honor to be your most obedient servant,

R. RUSH.

Mr. ERVING, &c., &c., &c.

LIST OF PAPERS ACCOMPANYING DESPATCH TO MR. ERVING OF APRIL
25, 1817.

A.

General correspondence.

The Chevalier de Onis to the acting Secretary of State, dated 14th March, 1817.

Same to same, (two,) dated 26th March, 1817.

The acting Secretary of State to the Chevalier de Onis, dated 28th March, 1817.

The Chevalier de Onis to the acting Secretary of State, dated 29th March 1817.

Same to same, (4, 5, 18, 19,) dated 29th April, 1817.

The acting Secretary of State to the Chevalier de Onis, dated 22d April, 1817.

The Chevalier de Onis to the acting Secretary of State, dated 23d April, 1817.

B.

Correspondence with officers of the United States, on the armaments in the ports of the United States.

1. The acting Secretary of State to E. Glenn, United States attorney for the district of Maryland, dated 21st March, 1817.

2. The collector of the customs at Baltimore to E. Glenn, dated 24th March, 1817.

3. The United States attorney for Maryland to the acting Secretary of State, dated 27th March, 1817.

4. The acting Secretary of State to the collector of customs, Baltimore, dated 28th March, 1817.

5. Same to the collector of customs, Norfolk, dated 28th March, 1817.

6. Same to the marshal of the district of Maryland, dated 12th April, 1817.

7. The marshal of the district of Maryland to the acting Secretary of State, dated 15th April, 1817.

Elias Glenn (omitted in the order of its date) to the Secretary of State, dated 25th February, 1817.

C.

Affair of the Firebrand.

1. The Secretary of the Navy to Commodore Patterson, dated 6th June, 1815.

2. B. Homans, Navy Department, to the same, dated 9th September, 1815.

3. The Chevalier de Onis to the Secretary of State, dated 7th January, 1817.

4. The same to the acting Secretary of State, dated 15th March, 1817.

5. The acting Secretary of State to the Chevalier de Onis, dated 15th April, 1817.

6. The Chevalier de Onis to the acting Secretary of State, dated 23d April, 1817.

Copy of the proceedings of a court-martial at New Orleans.

The President's message to Congress of 26th December, 1816.

Act of Congress for the better preservation of the neutrality of the United States, of 3d March, 1817.

Mr. Rush to Mr. Erving.

DEPARTMENT OF STATE,
July 24, 1817.

SIR: By the enclosed copies of a letter and accompanying documents from William Davis Robinson, a citizen of the United States, you will perceive that, at the period of their date, he was a prisoner in close confinement at Vera Cruz, but that there was a probability of his being transferred to Spain, there to be tried for such offences as might be alleged against him. I forbear to say a word upon the particulars of his case, as it is so fully and perspicuously set forth by himself, in all its interesting circumstances. Although told by himself, there is good reason to believe that it is candid and correct. His character is known to be respectable, and the manner of his narrative sufficiently bespeaks his merit under other views.

I am directed to inform you that the President takes a particular interest in the situation of Mr. Robinson; and that, should he be sent to Spain, it is his desire that you lose no time in remonstrating, in as emphatic a way as can be reconciled with the necessary respect, on the treatment shown to him, demanding his release from an imprisonment which carries every appearance of having been wholly unwarrantable. The President has the more sensibility to his apparent wrongs, as other instances have lately become known to this government, in which the rights of our citizens have been grossly violated by the capricious and arbitrary exercise of power on the part of those who represent the royal authority in the provinces of Spanish America.

With very great respect, I have the honor to be, sir, your most obedient servant,

R. RUSH.

G. W. ERVING, &c., &c., &c.

Mr. Rush to Mr. Erving.

DEPARTMENT OF STATE,
August 16, 1817.

SIR: I have the honor to transmit the memorial of the Rev. Father Jose Guerza, spiritual governor of the provinces of Seville, and prior of the convent and hospital of St. Juan de Dios at Cadiz, praying reimbursement of the expenses incurred by that institution in the support and medical aid afforded to certain destitute American seamen, and to ask the favor of you to cause this claim to be paid, and charged in your account with the United States.

To enable you to comply with this request, you are authorized to draw for the amount required, upon the bankers of the United States in London, who will be instructed to honor your draft accordingly. You will be good enough to apprise the bankers, at the time of doing so, that the draft is to be paid out of the fund in their hands for the relief of distressed American seamen.

I have the honor to be, with very great respect, sir, your obedient servant,

R. RUSH.

GEO. W. ERVING, Esq.,

Minister Plenipotentiary, &c., Madrid.

*Mr. Adams to Mr. Erving.*DEPARTMENT OF STATE,
October 16, 1817.

[No. 1.]

SIR: Since I have entered upon the discharge of the duties of this office, I have had the honor of receiving your despatches from No. 32 to 38 (twice) inclusive, with their enclosures. After the return of the President from his seat in Virginia, (which will certainly be within a week,) I shall have the pleasure of writing you more at large.

I am, with great respect, &c.,

JOHN QUINCY ADAMS.

GEORGE W. ERVING, Esq.

Same to same.DEPARTMENT OF STATE,
February 1, 1818.

[No. 2.]

SIR: I have the honor to enclose a letter of the President, in answer to that addressed to him on the 21st of August last by his Majesty the King of Spain, communicating to him the birth of an infanta of Spain; and to inform you that it is the desire of the President that you would request a special audience of his Majesty, for the purpose of presenting to him the President's letter; on which occasion you will accompany the delivery of it with suitable expressions of the interest excited by this event.

I am, with great respect, &c.,

JOHN QUINCY ADAMS.

GEORGE W. ERVING, Esq.

Same to same.DEPARTMENT OF STATE,
Washington, April 25, 1818.

[No. 4.]

SIR: The resolution of the House of Representatives of the United States, a copy of which is enclosed, and the object of which is to obtain the records and official documents belonging to the former government of Louisiana, is recommended to your special attention. You will make such application for them to the Spanish government as you shall think necessary and proper. It is understood that many of them were carried away, and deposited at Pensacola, where it is supposed they still remain.

I am, with much respect, &c.,

JOHN QUINCY ADAMS.

GEORGE W. ERVING, Esq.

Same to same.DEPARTMENT OF STATE,
May 2, 1818.

[No. 5.]

SIR: I have the honor of enclosing copies of a letter from John Jacob Astor, esq., of New York, owner of the ship Beaver, and of one from Mr. Ribas to Mr. Halsey, relating the particulars of the unjustifiable seizure and condemnation of that vessel at Talcahuano. We have also information of

the capture of at least one other vessel, (the Canton, of Salem,) under similar circumstances, and without any appearance of justifying causes for the seizure. You will not fail to address to the Spanish government suitable and earnest remonstrances against these proceedings on the part of their officers, and to demand the restitution and indemnities due to the owners of the property, and satisfaction to the persons injured by these infractions on the laws of nations and the rights of individuals.

I am, very respectfully, &c.,

JOHN QUINCY ADAMS.

GEORGE W. ERVING, Esq.

Same to same.

DEPARTMENT OF STATE,
November 28, 1818.

[No. 8.]

SIR: The President of the United States, in compliance with your repeated requests, and in consideration as well of the state of your health as of the private concerns to which you have mentioned the necessity of directing your attention for some time, has determined to nominate, during the present session of the Senate, a successor to your mission at Madrid; and has directed me to authorize you, as soon after the receipt of this letter as you shall judge expedient with reference to the public interest, and as may suit your own convenience, to take leave of the court of Spain. It is hoped you will not have occasion to leave Madrid before the arrival of your successor. The papers of the legation may be left until then in the hands of Mr. Brent. The critical state of our relations with Spain during the whole of the past year, and the reluctance which the President could not but feel at permitting your faithful and valuable services to be withdrawn from the public affairs, has hitherto delayed his compliance with your desire. He directs me to assure you that the vigilance, firmness, zeal, and assiduity, with which you have conducted the affairs of the mission, have given him entire satisfaction, and enhance his regret at the necessity under which you have found yourself of retiring from the public service.

In taking leave of the King, you will assure him of the President's continued and earnest desire for the harmony and good understanding between the two countries; and of his regrets that all the differences between them have not yet been adjusted to their mutual satisfaction; and the confidence with which he yet cherishes the hope that they may ultimately be brought to that auspicious termination.

Should you take leave before the arrival of your successor, you will add the assurance that the appointment will be made without any unnecessary delay.

I am, with much respect, &c.,

JOHN QUINCY ADAMS.

GEORGE W. ERVING, Esq.

